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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 11, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JARED WINTERER,

Plaintiff,

v.

UNITED STATES,

Defendant.

NO: 1:23-cv-03197-RMP

ORDER DISMISSING ACTION FOR
FAILURE TO COMPLY WITH
FILING FEE REQUIREMENTS

By Order filed January 26, 2024, the Court directed Plaintiff Jared Winterer, a *pro se* prisoner at the Stafford Creek Corrections Center, to either pay the applicable \$402.00 filing fee to proceed with this action or to properly seek leave to proceed *in forma pauperis* under the Prison Litigation Reform Act, 28 U.S.C. § 1915. ECF No. 3 at 2. Plaintiff was cautioned that his failure to do so would be construed as his consent to the dismissal of this action. *Id.* Plaintiff has neither paid the filing fee nor returned the application to proceed *in forma pauperis* along with his six-month inmate trust account statement (or institutional equivalent) by the due date of February 26, 2024.

ORDER DISMISSING ACTION FOR FAILURE TO COMPLY WITH FILING
FEE REQUIREMENTS -- 1

1 Parties filing actions in the United States District Court are required to pay
2 filing fees. 28 U.S.C. § 1914(a). An action may proceed without the immediate
3 payment of a filing fee only upon granting of *in forma pauperis* status. *See* 28
4 U.S.C. § 1915. Failure to pay the statutory filing fee will result in dismissal of
5 these actions without prejudice. *See Olivares v. Marshall*, 59 F.3d 109, 112 (9th
6 Cir. 1995) (district court has authority to dismiss without prejudice prisoner
7 complaint for failure to pay partial filing fee); *In re Perroton*, 958 F.2d 889, 890
8 (9th Cir. 1992) (affirming dismissal of appeal of pro se litigant for failure to pay
9 required filing fees).

10 Accordingly, **IT IS ORDERED** that this action is **DISMISSED** without
11 prejudice for failing to pay the filing fee or filing a properly completed Application
12 to Proceed *In Forma Pauperis* pursuant to 28 U.S.C. §§ 1914(a) and 1915(a).

13 **IT IS SO ORDERED.** The District Court Clerk is **DIRECTED** to enter
14 this Order, enter judgment, provide copies to Plaintiff at his last known address and
15 to **close** the file.

16 **DATED** March 11, 2024.

17 _____
18 *s/ Rosanna Malouf Peterson*
ROSANNA MALOUF PETERSON
Senior United States District Judge
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